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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Nord-Sud XXI - North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Situation of internally displaced persons and migrant workers in Libya*

We wish to draw the attention of the 30th regular session of the Human Rights Council to the plight of internally displaced persons (IDPs) in Libya. In fact, Libya is currently host to one of the rapidly growing communities of IDPs in the world compared to its population size. At the end of June 2015, the Office of the UN High Commissioner for Refugees (UNHCR) estimated the number of IDPs in Libya at more than 434,000 compared to 230,000 IDPs in September 2014, which represents an increase of about 90% over a period of 9 months. Meanwhile, the Libyan Red Crescent Society estimated that there were over 500,000 IDPs in Libya at the end of June 2015.

On the other hand, it is estimated that more than 2.2 million Libyan nationals were forced to flee the country into exile in the last few years. While some of these people live as documented migrant workers, many others live as refugees, asylum seekers or undocumented migrants, especially in Egypt, Tunisia, Algeria, Morocco, Mauritania, Chad and Niger. About 100,000 Libyans live as refugees in Western Europe and other countries. The combined numbers of IDPs in Libya and exiled Libyan nationals who live abroad represent about 40% of the country's population of 6.7 million.

On all accounts, the estimated number of IDPs in Libya does not accurately reflect the magnitude of the crisis of internal displacement in the country. This is because of the limited access to the affected areas due to the volatile security situation and the ongoing fighting and clashes in areas where IDPs are in greater numbers. Absence of international humanitarian agencies, which left Libya in mid-July 2014 and the weak presence of the State's apparatus has heavily affected accurate data collection on the status of IDPs. However, the largest known congregation of an IDP population, estimated at 105,000 individuals, is settled in Benghazi in astern Libya.

IDPs in Libya live in precarious conditions lacking life-saving needs such as food, clean water, medical care, sanitation and above all suitable shelter. Thousands of IDP children are in urgent need of vaccination against childhood diseases. It is to be noted that no immunization campaign has been carried out since 2011 in most parts of Libya. The living conditions of IDPs are particularly dire in the southern regions where frequent inter-tribal clashes take place between the Tebu and Tuareq communities. Both groups opt for violence to resolve their conflicts over the control of territory. It has been reported that IDP communities in Sabha, Nafusa Mountains, Bani Waleed, Murzuq, Jufra and Kufra live in makeshift shelter as well as schools, factories and empty buildings. In some extreme cases IDP families live in empty water tanks such as the situation in the desert border town of Ghat.

Forced internal displacement in Libya seems to be a deliberate act that has been used as a warfare strategy against certain segments of Libyan society for political motives. Militia formations, especially members of "Libya Down", which reportedly started the process of forced displacement of civilians in early 2011, continue this practice against civilian, particularly targeting communities considered as supporters of the former regime. They are also believed to be preventing IDPs from returning to their homes or areas og origin such as the case with IDP communities from Misrata, Tripoli, Warshafana, Kikla, Al-Goulesh, Al-Mashasha, Nafusa Mountains and Awbari. Preventing IDPs frem returning to their homes forced them to move from one place to another in search of security and shelter, which in turn created a situation of protracted displacement and hindered accurate calculation of their numbers.

There are also reports that Libyan nationals of African heritage are particularly targeted by the forced displacement campaign and are ill-treated and abused. More than 30,000 inhabitants of Tawergha town, south of Misrata have been forcibly displaced from the town since the beginning of the crisis in Libya in early 2011. Tawergha, which is predominantly inhabited by Libyan nationals of African descent, has been entirely abandoned and its displaced inhabitants were prevented from regaining their homes and belongings. Meanwhile, thousands of Libyan citizens of African heritage have been forced out of their homes in some cities such as Misrata, Benighazi, Tripoli etc. These victims currently live as IDPs in miserably settlements scattered in different parts of the country.

The situation of migrant workers in Libya is comparable to that of IDPs in many aspects. They face unbearable suffering and violations of their human rights. Migrant workers, especially those originating from Sub-Saharan Africa, hailing from countries such as Sudan, Chad, Eritrea, Ethiopia, Nigeria, Ghana, Mali, Niger, Senegal and Burkina Faso etc. are bearing the brunt of this suffering and violations. These migrants have been working in civilian positions in

Libya for generations and are well integrated in the Libyan society. They are collectively labelled by the belligerent parties as mercenaries and targeted because of their nationalities.

The situation of would-be asylum seekers and undocumented migrants that are currently held in detention centres run by Libya's Borders Guard is deplorable. They are held in massively overcrowded facilities with very poor sanitation and medical care. The majority of these victims are would-be migrant and asylum seekers caught during their attempts to cross the Mediterranean Sea into Western Europe. In these detention centres serious abuses, torture and degrading treatment are meted out against these migrants, including severe whippings, beatings, and electric shocks. Women and girls detainees are subjected to all forms of humiliation and sexual assaults by male guards. Meanwhile, human trafficking has become a lucrative business in Libya and that militia groups are using it to secure the necessary funding to procure weapons etc.

We wish to remind the UN Human Rights Council that in its reports (A/HRC/17/44 dated 1st June 2011 and A/HRC/19/68 dated 8th March 2012), the International Commission of Inquiry on Libya documented serious crimes committed by all parties to the conflict. The Commission established that: " *... acts of torture and cruel treatment and some outrages upon personal dignity in particular humiliating and degrading treatment have been committed by opposition armed forces, in particular against persons in detention and migrant workers.*"

We are concerned that violations of human rights and international humanitarian law against civilians in Libya have been committed in a systematic and organized manner while the world watches indifferently. This indifference persists despite clear indications suggesting the need for more robust efforts to arrest violence and massive violations of human rights and international humanitarian law and eventually save civilian lives; end the political stalemate and restore law and order in the country. The proliferation of armed militia groups, including the Islamic State in Iraq and Levant-Libya (ISIL-Libya) is an important development that must be addressed as a matter of priority.

We therefore strongly recommend that the 30th regular session of the Human Rights Council:

1. Condemns violence and violations of international human rights and humanitarian law in Libya and calls upon the warring parties in Libya to put an immediate end to the fighting and all other abuses of human rights and international humanitarian law, in particular the forced displacement of civilians.
2. Demands that all the warring parties fully cooperate with the UN human rights mechanisms and humanitarian agencies and groups. The warring parties must allow humanitarian agencies free, full and unhindered access to the victims of abuses committed in the country.
3. Requests the Representative of the United Nations Secretary General on Internally Displaced Persons and relevant Working Groups and thematic mandate holders to accord special attention in their work to the situation of IDPs in Libya. They should investigate all allegations of forced displacement and prevention of IDPs from returning to their hometowns and regain access to their lands and properties.
4. Calls upon all States, especially those from Sub-Saharan Africa, to intensify efforts with the authorities in Libya and persuade them to end armed confrontations and ensure that migrant workers in Libya are protected and their human rights respected.
5. Ensures that all its future actions on Libya involve recommendations on adequate measures and action to hold accountable individuals and groups responsible for the most serious violations of international human rights and humanitarian law, including forced displacement of civilians, and that the victims of such abuses receive justice, relief, atonement and reparations for their losses.

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*Omar Al-Mukhtar Human Rights Institute, NGO without consultative status, also shares the views expressed in this statement.